

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

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FEDERAL COMMUNICATIONS COMMISSION  
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In the Matter of )  
 )  
Joint Petition for Rulemaking )  
on Cable Television Wiring )

RM No. 8380

**COMMENTS OF GTE**

GTE Service Corporation ("GTE"), on behalf of its domestic telephone operating companies and GTE Laboratories Incorporated, submits these comments in response to the Commission's notice, DA 93-1343, November 15, 1993, of the filing of a Joint Petition for Rulemaking on subscriber access to cable home wiring. The Joint Petition was filed July 27, 1993 by the Media Access Project, U.S. Telephone Association and Citizens for a Sound Economy Foundation ("Joint Petitioners").

Joint Petitioners ask that the Commission expand on its decision earlier this year implementing Section 16(d) of the Cable Television Consumer Protection and Competition Act of 1992, P.L.102-385, 106 Stat.1460 (1992). The agency gave cancelling cable subscribers the right to prompt removal or to purchase, at their option, of the intra-premises wiring ("cable home wiring") connecting their television sets with the cable system at an exterior "demarcation point" of the cable operator's "drop wire" to their homes.

Joint Petitioners request that subscribers be permitted to own and/or control cable home wiring not just upon termination but during periods of cable service as well. Acknowledging that such an allowance is not required by the 1992 Act, Joint Petitioners believe that it would increase competition and

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diversity in programming available to subscribers and yield other consumer benefits. The action, they state, is fully within the Commission's general authority under the Communications Act.

GTE supports Joint Petitioners' request that a rulemaking be opened to consider the pre-termination rights and responsibilities of consumers (whether or not cable subscribers) with respect to cable home wiring. The rights and responsibilities of cable operators and other suppliers who may interconnect with the home wiring, as well as the expectations of any third parties who may install or maintain it, should also be addressed.

Consumer control and the benefits of competitive  
interconnection should come with the start  
of cable service, not await its termination.

In declining to go beyond the minimum steps required by the 1992 Cable Act, the Commission expressed its general belief that "broader cable home wiring rules could foster competition and could potentially be considered in the context of other proceedings." The agency's decision to defer broader consumer protection measures stemmed, in part, from the "time constraints" of the 1992 legislation. (Order, ¶6) GTE believes this rulemaking vehicle now allows the Commission to give cable home wiring rights, responsibilities and standards the deliberate consideration they deserve.

As GTE indicated in its comments of December 15, 1992 in the initial cable home wire rulemaking proceeding, MM Docket 92-260, consumers should control premise wiring for the purpose of diversifying their choices of both suppliers and information content. Such control, however, need not involve ownership. However, where a homeowner already owns his cable premise wiring -- by agreement with the cable operator or by operation of state law --

GTE believes the homeowner already possesses the right to receive services from suppliers other than the cable operator (so long as the alternate suppliers have any requisite local permission to serve).<sup>1</sup>

At a minimum, GTE believes consumer access should encompass the ability to remove, replace, rearrange or maintain cable home wiring. GTE appreciates the serious safety concerns involved in cable signal leakage, but believes that Congress has made clear that while a cable operator is providing service carried over cable home wiring, the operator has the continuing obligation to control leakage and the continuing right to take reasonable steps to minimize risks of theft of service.<sup>2</sup>

The Commission's authority, independent of the 1992 Cable Act, to regulate home wiring used in interstate communication is a matter of ample judicial precedent which need not be repeated here.

## CONCLUSION

For the reasons set forth above, GTE supports the request of the Joint Petitioners and urges the Commission to open promptly a rulemaking to gather information and views on apportionment of control over and responsibility for cable home wiring between and among consumers, cable operators and third

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<sup>1</sup> In this respect, GTE believes the law itself answers Joint Petitioners' question "whether or not subscribers who already own cable home wiring may use it to receive competing and complementary services" prior to termination of any cable service. However, to the extent any doubt exists on the point, the Commission should affirm this important consumer right. As to local permission, the Commission has ruled -- and GTE agrees -- that an alternate supplier who is not a cable operator would not require a Section 621(b) cable franchise. *Telephone-Cable Television Cross-Ownership Rules*, 7 FCC Rcd 300 (1991), 7 FCC Rcd 5069 (1992), appeals pending *sub nom.* National Cable Television Association v. FCC, No.91-1649 and consolidated cases, U.S. Court of Appeals for the D.C. Circuit.

<sup>2</sup> H.R. Rep. No.102-628, 102d Cong., 2d Sess. at 118-119 (June 29, 1992).

parties who may become involved in alternative program supply, installation, maintenance and repair.

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December 21, 1993

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## **Certificate of Service**

I, Ann D. Berkowitz, hereby certify that copies of the foregoing "Comments of GTE" have been mailed by first class United States mail, postage prepaid, on the 21st day of December, 1993 to the following parties:

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